

Message Text

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L/EUR:JCROOK

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FM SECSTATE WASHDC

TO AMEMBASSY NICOSIA

C O N F I D E N T I A L STATE 164014

E.O. 11652: GDS

TAGS: PGOV, PEPR, PINS, CY

SUBJECT: POSSIBLE REOPENING OF DAVIES CASE

REF: STATE 150678

1. AS NOTED PARA 5 REFTTEL, PRESIDENT KYPRIANOU TOLD SENATOR PELL IN COURSE OF JUNE 8 MEETING WITH SFRC THAT UPON HIS RETURN TO CYPRUS HE WOULD EXPLORE FURTHER POSSIBILITY OF REOPENING DAVIES CASE. PELL ASSISTANT HAS SINCE UNDERSCORED TO DEPTOFF SENATOR'S INTEREST IN SEEING CASE PURSUED. WE ARE INFORMED THAT SENATOR KENNEDY IS LIKEWISE STRONGLY INTERESTED AND IS READY TO BE HELPFUL.

2. DEPARTMENT'S IMPRESSION, BASED ON REVIEW OF FILE, IS THAT GOC IS UNLIKELY AT THIS LATE DATE TO BE ABLE TO COME UP WITH FRESH EVIDENCE OR WITNESSES AND THAT POSSIBILITY OF NEW TRIAL WOULD HINGE ALMOST ENTIRELY ON OUR ABILITY TO
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SECURE UNRESTRICTED USE OF ABC FILM. IN LIGHT OF PREVIOUSLY-IMPOSED CONSTRAINTS, WE RECOGNIZE THAT SUCH AUTHORIZATION WILL BE VERY DIFFICULT TO OBTAIN--PERHAPS IMPOSSIBLE. IN ANY EVENT, BEFORE APPROACHING ABC WE WOULD APPRECIATE EMBASSY'S ASSESSMENT OF THE SITUATION, WHICH INTER ALIA SHOULD SEEK TO ANSWER FOLLOWING QUESTIONS: IS THERE ANY LIKELIHOOD THAT THE GOC WILL BE ABLE TO PRODUCE SOLID NEW

EVIDENCE? WOULD UNRESTRICTED USE OF THE ABC FILM PERMIT THAT MUCH STRONGER A PROSECUTION CASE? (WE NOTE THAT IT WAS KTIMATIAS' CONVICTION ON THE CHARGE OF FIRING AN AUTOMATIC WEAPON, WITH ITS SEVEN-YEAR SENTENCE, THAT WAS THROWN OUT BY THE SUPREME COURT.) WHAT CRITERIA WOULD THE GOC ATTORNEY-GENERAL FOLLOW IN DECIDING WHETHER TO REQUEST A RETRIAL, AND THE CYPRUS COURTS IN DECIDING WHETHER OR NOT TO GRANT THE REQUEST? VANCE

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